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10/646,976	08/22/2003	Martin Lund	14218US02	1056

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EXAMINER

PAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2135

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10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/646,976

Applicant(s)

LUND, MARTIN

Examiner

Joseph Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's Pre-Appeal Conference Request filed on August 1, 2007 has been carefully considered by a Pre-Appeal Conference. The conferees agreed that the references do not generating a destination port bit map based on the destination address information. Thus the finality of the Office Action mailed on May 29, 2007 is now withdrawn. Claims 1-24 are pending.

2. Applicant's response filed on August 1, 2007 has been carefully considered. Claims 1-24 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7, 10-12, 14-16, 18, 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Battle et al. (U.S. Patent No. 7,136,381 B2), hereinafter "Battle".

Referring to claim 1:

Battle teaches:

A method of providing physical port security in a digital communication system, comprising:

receiving a frame of digital data at a network device (see column 4, lines 62-67; and column 5, line 16-column 7, line 43 of Battle);

generating a destination port bit map [i.e., egress port table] based on the destination address information contained in said frame of digital data (see column 4, lines 62-67; and column 5, line 16-column 7, line 43, [i.e., the port bit map is generated based on the packet's Opcode, the destination port ID, the destination module ID, and a corresponding entry in a table], of Battle, emphasis added);

comparing said destination port bit map with a physical port security bit map to generate a bit map of allowed destination ports, wherein said physical port security bit map [i.e., var:PORTBITMAP] is generated based on information in said received frame of digital data (see e.g. figure 6, element 'Does any port in var:PORTBITMAP belong to a trunk group in the trunk table', element 'Calculate the HASH using the DA [i.e., destination address] and SA [i.e., source near address] in the packet'; and column 6, lines 12-30, particular note 'RTAG 2 RTAG identifies the trunk selection criteria for this trunk group 0: based on DA [i.e., destination address] + SA [i.e., source address]', of Battle, emphasis added); and

forwarding said frame of digital data to one or more of said allowed destination ports (see column 6, lines 12-19 'The Trunk Group Table is used to derive the egress port when a packet has to go out on a trunk port', of Battle).

Referring to claims 7, 18:

Battle teaches the claimed subject matter: a method of providing physical port security in a digital communication system (see claim 1 above). Battle further discloses the router (see column 1, line 41 of Battle).

Referring to claim 10:

Battle teaches the claimed subject matter: a method of providing physical port security in a digital communication system (see claim 1 above). Battle further discloses the process (see column 2, line 60 of Battle).

Referring to claim 11:

Battle teaches the claimed subject matter: a method of providing physical port security in a digital communication system (see claim 1 above). Battle further discloses that the bit map is generated dynamically (see column 5, lines 48-55 of Battle).

Referring to claims 3-5, 14-16, 23:

Battle teaches the claimed subject matter: a method of providing physical port security in a digital communication system (see claim 1 above). Battle further discloses the source address and the destination address of the digital data frame (see column 1, lines 43-49 of Battle).

Referring to claim 12:

Battle teaches:

A system for providing physical port security, comprising:

At least one processor within a network device, said network device having a communication port for receiving digital data from a digital communications system and two or more physical data ports for forwarding said digital data, said at least one of processor enables (see column 4, lines 62-67; and column 5, line 16-column 7, line 43 of Battle):

Generation of a destination port bit map based on destination address information contained in said received digital data (see column 4, lines 62-67; and column 5, line 16-column 7, line 43, [i.e., the port bit map is generated based on the packet's Opcode, the destination port ID, the destination module ID, and a corresponding entry in a table], of Battle, emphasis added);

Comparing of said destination port bit map within a physical port security bit map to generate a bit map of allowed destination ports, wherein said physical port security bit map is generated based on information within said received digital data (see e.g. figure 6, element 'Does any port in var:PORTBITMAP belong to a trunk group in

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the trunk table', element 'Calculate the HASH using the DA [i.e., destination address] and SA [i.e., source near address] in the packet'; and column 6, lines 12-30, particular note 'RTAG 2 RTAG identifies the trunk selection criteria for this trunk group 0: based on DA [i.e., destination address] + SA [i.e., source address]', of Battle, emphasis added); and

Forwarding of said digital data to one or more of said allowed destination ports (see column 6, lines 12-19 'The Trunk Group Table is used to derive the egress port when a packet has to go out on a trunk port', of Battle).

Referring to claims 24:

Battle teaches the claimed subject matter: an intermediate network device (see claim 12 above). Battle further discloses that the bit map is dynamically altered based on a variable parameter (see column 5, lines 48-55 of Battle).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6, 8-9, 13, 17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battle et al. (U.S. Patent No. 7,136,381 B2) in view of Wieget (U.S. Patent No. 6,484,261 B1).

Referring to claims 6, 17, 22:

Battle teaches the claimed subject matter: a method of providing physical port security in a digital communication system, (see claim 1 above). However, Battle does not specifically mention the IP address.

ii. Wieget teaches a graphical network security policy management wherein Wieget discloses the IP address (see column 2, lines 14 of Wieget).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Wieget into the method of Battle to use IP address.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Wieget into the system of Battle to the IP address, because Battle teaches using the information provided in a packet to generate a port bitmap (see column 5, lines 48-55 of Battle). And IP address is the information contained in the packet. Therefore, Wieget's teaching could enhance Battle's system.

Referring to claims 2, 13:

Battle and Wieget teach the claimed subject matter: a method of providing physical port security in a digital communication system (see claim 1 above). They further disclose the logical AND (see column 18, line 7 of Wieget).

Referring to claim 21:

Battle and Wieget teach the claimed subject matter: an intermediate network device (see claim 12 above). They further disclose the IP data (see column 2, lines 14 of Wieget).

Referring to claims 9, 20:

Battle and Wieget teach the claimed subject matter: an intermediate network device (see claim 12 above). They further disclose the local area network (see column 10, line 52-55 of Wieget).

Referring to claims 8, 19:

Battle and Wieget teach the claimed subject matter: an intermediate network device (see claim 12 above). They further disclose the network file server (see column 10, line 52-55 of Wieget).

***Response to Arguments***

7. Applicant's arguments, filed on August 1, 2007, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Conclusion***

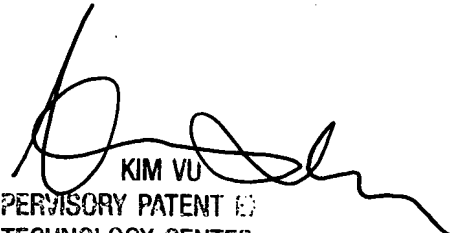
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan  
October 10, 2007

  
KIM VU  
SUPERVISORY PATENT EX  
TECHNOLOGY CENTER